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C O N F I D E N T I A L SECTION 01 OF 03 DHAKA 000767

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SUBJECT: BANGLADESH ELECTION COMMISSION UPBEAT ON PROGRESS  
AND UPCOMING ELECTIONS

Classified By: Ambassador James F. Moriarty. Reasons 1.4 (b) and (d).

#### Summary

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¶1. (C) Summary: The Bangladesh Election Commissioners are upbeat about the electoral reform process and they are adequately prepared to hold the upcoming local government elections in 13 localities slated for early August. During a July 14 courtesy call by the Ambassador, Chief Election Commissioner (CEC), Dr. ATM Shamsul Huda, said that key elements of the State of Emergency had been lifted or "relaxed" to allow for normal campaigning; however the Commissioners expressed disappointment in noting that many of the candidates were from the political "old guard" and that several had fraud or abuse charges pending against them. Re-districting about a third of the national electoral districts has been completed in preparation for national elections expected by the end of the calendar year. Just as important as the elections themselves would be the aftermath in the post election period. The BEC seemed cautiously optimistic that the bulk of the reforms instituted under the Caretaker Government (CTG) would remain in place no matter the outcome of the December Parliamentary elections. End Summary.

#### Delimitation Completed

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¶2. (C) In addition to the CEC, two other Commissioners preside over the Bangladesh Election Commission (BEC), retired judge M. Sohul Hussain and Brigadier General (retd.) ¶M. Sakhawat Hossain, both of whom joined the CEC in this meeting. Chief Commissioner Huda reported the delimitation or re-districting of 133 out of 300 Parliamentary constituencies was completed. This was the first time any serious re-districting had occurred since the return to democratic rule in 1991. The UNDP had provided technical assistance which had resulted in all districts falling within a plus or minus 25% range from the national average of population per electoral district. The BEC explained the delimitation exercise had been vetted with the political parties during dialogues with them and believed the Commission had addressed the vast majority of the concerns raised. The Commissioners predicted the debate on delimitation would gradually fade away as candidates and parties begin to focus on elections themselves.

#### State-of-the-Art Photo Voter List

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¶3. (C) The Election Commission had finalized the registration of about 80.5 million Bangladeshi voters on July 9th CEC Huda

noted. They now have an up-to-date and modern voter registration data base that removed an important potential area for fraud in the electoral system. As they had completed voter registration in geographic areas, the Commissioners said they had begun printing draft lists the law required be posted for public vetting. They asserted that 38% of the total list had been reviewed and was ready for final printing. They expected that 100% would be completed by October. The Election Commission could not call for national elections until the full list was completed.

#### Electoral Mechanics Ready to Go

14. (C) The Commissioners clearly feel prepared to hold four city corporation and nine municipal elections scheduled for August 4. They welcomed international and diplomatic observation and were pleased to hear the Misson,s plan to field election monitors. The Commissioners also plan to accredit domestic monitors. They expect to move ahead with a majority of the Upazila level elections after Ramadan, most likely on October 23. Approximately 300 Upazila elections, out of 481, will be targeted for late October while the remaining group will wait until next year, after Parliamentary elections are held the third week of December. The three Commissioners dismissed complaints from political parties regarding the timing of Upazila elections noting that those elections had always been in the electoral road map discussed with the parties. No one had complained until it was clear the BEC would actually stick to the timeframe and actions outlined in that plan. The commissioners referred to

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the polling done by The Asia Foundation and others which indicated a high level of popular support to holding over-due local elections. They acknowledged, however, that unlike the controversy over delimitation, which they expect to fade away, it was more likely that there would be efforts to stall Upazila elections. Their analysis was simple - empowering elected Upazila governments would directly affect the power and influence of Members of Parliament. The Upazila governments would serve as a counterweight to Parliament. This would help address the over-centralization of political power in Bangladesh. Holding Upazila elections before the national parliamentary elections would threaten future MPs up-to-now unchallenged authority over a variety of issues in their constituencies.

#### New Rules of the Game

15. (C) On July 13, the Caretaker Government had approved in principle the new Representation of People,s Ordinance (RPO) that the BEC developed over the past several months Huda noted. The CEC stated he expected the RPO to be completely vetted in the Law Ministry and be signed into law by the President before the end of the month. This new electoral procedure would be in place for the Upazila elections as well as for the national elections. Key changes for political parties included campaign finance reforms (strict spending limits and auditing tools), the requirement for internal party elections and public disclosure of candidates, financial history and any criminal background. Although implementation would take time (e.g. internal party democratic practices were not scheduled to take place prior to national elections), the BEC believed these key institutional changes would be difficult to undo no matter who won in December.

#### Relaxed State of Emergency Enough

16. (C) The Ambassador pointed out the eventual losers at the ballot box would claim the elections were not credible if the State of Emergency was not fully lifted. The BEC clearly understood the issue. The CEC confided that when asked by

the Chief Advisor,s (CA) Office how to deal with this situation, the BEC advised the CA not to fully lift the State of Emergency. Their main goal was ensuring those still under the Emergency Powers Act with cases filed by the Anti-Corruption Commission (ACC) were unable to participate in or influence the elections. The restrictions related to public gathering, public activities and campaigning would be lifted. The BEC sees this as sufficient to hold free, fair and credible elections. The Ambassador replied that the Commission might want to explore other methods of keeping undesirable candidates from running in the election.

#### Voters Will Choose =====

17. (C) When asked about the alleged involvement of the Director General Forces Intelligence (DGFI) in candidate selection, the CEC acknowledged the rumors but added there was little to support this report. Commissioner Sakhawat (a retired military officer) described the situation as a misunderstanding, opining that DGFI might have simply been trying to identify who would qualify under the new criteria for candidates but was not hand-picking candidates. In his opinion, anyone selected to run would in any event face the voters, scrutiny, effectively limiting the effect of DGFI,s machinations. In the final analysis, only those with clear public support would be elected. Additionally, the Commissioners cited the first televised candidate debates slated to take place July 15 on Bangladesh Television (BTV) starting with the Syhlet city corporation. Candidates for mayor in all four city corporations will be invited to televised debates on BTV (screened in cooperation with the BBC).

#### Will the Reforms Stick? =====

18. (C) When the Ambassador asked about the permanency of the CTG instituted reforms, above and beyond the new RPO, the CEC identified the need to keep newly empowered constitutional entities, such as the ACC and Comptroller and Auditor

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General,s Office, independent and free from influence of the elected government. In general, the Commissioners agreed that the new Parliament was likely to ratify the CTG reforms as required within one month of assuming power. However, they also felt that after a prudent waiting period that the new party-based government would introduce amendments and changes to modify some aspects of these reforms. It would not be politically feasible for the new government to reject the actions implemented by the CTG outright, but political influences would creep back into different laws and ordinances as time went by.

#### Comment: Doing the Right Thing =====

19. (C) It appears the BEC is on the right track in preparing the country for local and national elections. The CEC and other Commissioners appear committed and serious about moving the country forward and institutionalizing the reforms they instituted. They provided thoughtful responses supporting their cautious optimism about successfully holding both local and national elections this year. They have also thought hard about the fate of the CTG,s reforms once an elected government comes to power. The Commissioners are about 18 months into their five year mandates and will provide useful continuity once the political climate changes after December parliamentary elections.  
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